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Docket No.: 247958US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/762,340

Applicants: Kazunari HATADE, et al.

Filing Date: January 23, 2004

For: SEMICONDUCTOR DEVICE CAPABLE OF
AVOIDING LATCHUP BREAKDOWN RESULTING
FROM NEGATIVE VARIATION OF FLOATING
OFFSET VOLTAGE

Group Art Unit: 2818

Examiner: NGO, N. V.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION OF SPECIES

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KAZUNARI HATADE, ET AL. : EXAMINER: NGO, N. V.
SERIAL NO: 10/762,340 :
FILED: JANUARY 23, 2004 : GROUP ART UNIT: 2818
FOR: SEMICONDUCTOR DEVICE :
CAPABLE OF AVOIDING LATCHUP :
BREAKDOWN RESULTING FROM :
NEGATIVE VARIATION OF FLOATING :
OFFSET VOLTAGE

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species requirement mailed on March 3, 2005,
applicants elect, with traverse, the invention of Species II, Figure 9, which is readable on
Claim 8.

Applicants traverse the outstanding Election of Species requirement on the grounds
that it has not been established that it would be an undue burden to examine each of the noted
inventions and claims together.

Under M.P.E.P. § 803, an Election is not proper if a search and examination can be
made without a serious burden on the Examiner; and the outstanding Election of Species
requirement has not established that examining each of the currently-pending claims together
would result in an undue burden.

MPEP § 803 specifically states:

Restriction – When Proper

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

GUIDELINES

Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support a restriction requirement in most cases.

The Election of Species requirement does not provide reasons and/or examples to support a conclusion that a search and examination cannot be made without placing a serious burden on the examiner. Accordingly, each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

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